



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/048,686	03/26/1998	WAIL M. REFAI	P-4015.108/E	4551

7590

05/07/2002

DAVID E BENNETT
RHODES COATS & BENNETT
P O BOX 5
RALEIGH, NC 27602

EXAMINER

RAO, SEEMA SRINIVAS

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 05/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO / CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

14

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Seema S Rao
Primary Examiner
Art Unit: 2661

Office Action Summary

Application No.

09/048,686

Applicant(s)

REFAI, WAIL M.

Examiner

Seema S Rao

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1,3-8,10,12-18 and 21 is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claim **19** is rejected under 35 U.S.C. 102(b) as being anticipated by McCalley et al. (U. S. 4,829,372)

Regarding claim **19**, a broadband receiver is anticipated by the Presentation player of a broadcast system. (Fig. 3) a first signal processing means for demodulating and decoding a received narrowband index signal to extract addressing information contained in the index signal, anticipated by elements 68 and 70 in Fig. 3. (also refer to col. 8, line 6-17. A second signal processor means for demodulating and decoding a received broadband primary data signal, anticipated by the frequency agile broadband receiver, elements 74 and 78. Also refer to col. 9, lines 20-29.

Control means for selectively activating second signal processing means based on addressing information in index signal, is anticipated by the Receiver controller 72 in Fig. 3, also refer to col. 9, lines 18-20. The tuning information based on the subscriber information is interpreted as the addressing information. *At*

Claim Rejections - 35 USC § 103

2. Claim **20** is rejected under 35 U.S.C. 103(a) as being unpatentable over McCally

The reference, McCally teaches all of the limitations of claim 20 except for the input buffer for storing the received primary data before demodulating and decoding. Examiner takes an official notice that the concept and the advantages of an input buffer is an input buffer in a receiver is well known in the art of a communication receiver.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the broadband receiver of McCally with an input buffer. Motivation is one of many for synchronization purpose, flow control for proper processing of the incoming information or for scheduling purpose.

3. Claims **1, 3-8, 10, 12-18 and 21** are allowed over the prior art. Prior art of the records does not teach a relay station between a broadcast service provider and a subscriber, extracting an index signal from a primary broadband signal containing address and program time related information for a subscriber and relaying to the subscriber on a narrowband as signaling information. Subsequently transmitting primary information to the subscriber on a broadband channel, as in claims 1, 8, 17, and 21. Claims 3-7, 10, 12-16, and 18 are allowable as they depend on the allowable claims 1 and 17 respectively.

Response to Arguments

4. Applicants arguments filed with the amendment on February 13, 2002, has been noted and carefully reviewed but are not persuasive. The argument that the index receiver path continuously operative, scanning the index stream for its address, only when matching address is detected in the index data stream is the second receiver path, the broadband primary data receiver activated to extract data, are not in the claim. In spite of this, applicants argue that these features are evident from the claimed

Art Unit: 2661

language, "selectively activating said second signal processing means based on addressing information in index signal". Examiner does not agree with this argument. Selectively activating is done in the reference, McCalley also. Address extracted from the index signal is anticipated by the control information extracted from the control channel information. The specific frequency selectively activates the broadband receiver to tune to a specific frequency. This anticipates the selective activating.

Referring to the arguments on page 4, regarding the fixed control channel is being permanently tuned to a specific narrowband control channel is not persuasive because the claim language just claims "a first signal processing means for demodulating and decoding a narrowband index signal". No specifics about the channel are claimed. It could be very well a permanently tuned narrowband receiver receiving narrowband communication. The claimed language does not specifically claim any particular processing of the broadband signal. The broadband receiver is activated based on the index control information so as broadband receiver of the McCalley reference. Therefore, the argument on page 5, regarding the broadband receiver is moot. The language selectively is anticipated by a particular frequency which broadband receiver tunes in response to the control signal. Therefore, rejection is proper and the action is made final.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2661

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seema S Rao whose telephone number is 703-308-5463. The examiner can normally be reached on 6.30-3.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on 703-305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

- Application Number: 09/048,686
Art Unit: 2661

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Seema S. Rao
Seema S Rao
Primary Examiner
Art Unit 2661

May 6, 2002